

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Monday the 2nd day of October, 1758, in the 32nd year of His Majesty's Reign, and there continued by Prorogation until Wednesday the first day of August 1759, in the 33rd Year of His Majesty's Reign.

33 George II – Chapter 3 (Session 1)

An Act for the Quieting of Possessions to the Protestant Grantees of the Lands formerly occupied by the French Inhabitants, and for preventing vexatious Actions relating to the same.

“Whereas this province of Nova-Scotia, or Accadie [Acadie], and the Property thereof, did always of right belong to the crown of England, both by priority of discovery and ancient possession, and that no grant of property to any of the lands or territories belonging thereto, is of any validity, or can give the possessor thereof any legal right or title to any part thereof, unless derived from thence.

“And whereas by a treaty of peace concluded at Utrecht, in the year of our Lord, one thousand, seven hundred and thirteen, between her most sacred Majesty Ann of Glorious Memory, Queen of Great-Britain, &c. And his most Christian Majesty, it was concluded and agreed on, that all Nova-Scotia, or Accadie, with it's ancient boundaries, and all other things in those parts which depend on the said lands, together with the dominion, property, and possession of the said lands and places, and all right whatsoever by treaties or any other way attained, which the most Christian king, the crown of France, or any other subjects thereof, had to the lands and places, and to the inhabitants of the same, are yielded and made over to the Queen of Great-Britain, and to her crown for ever.

“And whereas at the time of that cession, many of the French king's subjects did reside and dwell within this His Majesty's Province of Nova-Scotia, and did not remove from the same, within the space of twelve months, according to the limitation of that treaty, whereby they and their posterity became subjects of the crown of Great-Britain in every respect; notwithstanding which, contrary to their allegiance, they began from that time, and continued at all times to aid, assist, and support and join with His Majesty's enemies; and altho' His Majesty, notwithstanding their manifest treasons and rebellion, in order to extend his indulgence towards them, and if possible to reclaim and reduce them to his obedience, was most graciously pleased, by his royal instructions to the governors of this province, to declare that the said French inhabitants should have the peaceable possession of such lands as were under their cultivation, provided, that they the said inhabitants should within three months from such time as should be thought proper by the governor, take the oath of allegiance appointed to be taken by the laws of Great-Britain, and likewise behave themselves as became good subjects: and altho' several proclamations had hitherto been issued by His Majesty's governors of this province, requiring their oath of allegiance, yet so far were they from obeying the same, that by a general deputation of their principal men, before His Majesty's governor and council, they absolutely refused to take the said oaths so

required of them, but on the contrary did still continue to aid, assist, and join with his Majesty's enemies, and five hundred of them were found in arms, within the fort of Beauséjour when the same was surrendered, and many of them, in Company with the Indian savages, did frequently commit many horrid and barbarous murders on his Majesty's protestant liege subjects, who were endeavouring to settle themselves on the lands within this province, whereby the progress of the settlement of this province, with His Majesty's protestant subjects was retarded, and the crown put to an excessive great expence, to defend and protect them; and also by such their treacherous practices, His Majesty's most gracious designs, as well towards them, as also towards his said Protestant subjects, were frustrated; and had they not been timely removed by the prudence and vigilancy of his excellency the present governor, from the said lands and territories, into other His Majesty's dominions, this invaluable province, during the course of this war, must inevitably have fallen into the hands of His Majesty's enemies the French.

“And whereas since the removal of the said French inhabitants, his excellency the governor, in order to make an effectual settlement in this province, and to strengthen the same, has been pleased to make grants of townships to many substantial and industrious farmers protestants, His Majesty's subjects of the neighbouring colonies, in which townships are contained some of the lands formerly occupied by the said French inhabitants; and as many other substantial and industrious farmers, protestants, are daily applying for grants of townships, wherein such lands will be comprehended: and as some doubts have arisen among the said persons intending to settle the said lands, concerning the title of the said French inhabitants to any of the said lands, that may fall within their townships: and altho' the said French inhabitants have not, nor ever had, any legal right or title to the said lands, derived from the crown of Great-Britain, yet in order to remove such doubts, and to prevent any troublesome or vexatious suits of law that may Hereafter be brought for the maintenance of any such right or pretended right to any of the lands within this province, formerly possessed or occupied by the said French inhabitants;”

Be it enacted by his excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, that no action shall be retained in any of His Majesty's courts of record in this province, for the recovery of any of the lands, within the same, by virtue of any former right, title, claim, interest, or possession, of any of the former French inhabitants, or by virtue of any right, title, claim, or interest, holden under or derived from them, by grant, deed, will, or in any other manner whatsoever.

And be it further enacted, that when any action shall be brought for the recovery of any lands within this province, and it shall appear upon evidence, that the grounds of such action is founded upon any such right, title or possession of the said French inhabitants, or derived from them as aforesaid, that then this act may be pleaded in bar to all such actions: and all His Majesty's judges and justices of the said courts, are hereby required and enjoined, upon such plea and proof thereof, to dismiss such action, and award costs for the defendants.